

appearing in the bill beginning with page 121, line 1, through page 122, line 12, on the ground that it violates clause 2 of rule XXI.

The rule I have referenced prohibits changes to law on general appropriations bills. This language amends the Foreign Assistance Act to authorize the establishment of a working capital fund for the Agency for International Development.

Mr. CALLAHAN. Mr. Chairman, we will be happy to concede the point of order.

Mr. GILMAN. I thank the gentleman for his concession. If I might continue with my statement.

The CHAIRMAN. The Chair will briefly hear the gentleman on his point of order, although the point of order has been conceded and the Chair is prepared to rule.

Mr. GILMAN. Mr. Chairman, may I revise and extend my remarks?

The CHAIRMAN. After the point of order, the gentleman may revise and extend his remarks.

Ms. PELOSI. Mr. Chairman, I wish to be heard on the point of order.

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Ms. PELOSI. Mr. Chairman, on the point of order, and recognizing the request of the distinguished chairman of the committee, I have some concerns about this motion.

As the gentleman knows, no funds would be appropriated to establish the Working Capital Fund, but the creation of the fund would result in overall savings to the Federal Government. In several overseas locations other agencies have requested USAID to provide various types of administrative support to other agencies, because USAID can provide the support at the lowest cost to the Federal Government. So I hope that the gentleman is aware that this language in the bill is a savings for the Federal Government.

Without a Working Capital Fund, USAID has difficulty becoming a service provider, because we cannot separately account for funds received from other agencies and cannot carry the funds from one year to the next. The fund would also enable an agency to use rebates from prompt payment. This would be an incentive for greater use of credit cards and again save money.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

The CHAIRMAN. The gentlewoman may not yield when discussing a point of order.

The Chair is prepared to rule. The Chair finds the provision directly amends existing law. Such provision constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision of the bill is stricken.

Without objection, the gentleman from New York (Mr. GILMAN) may extend his remarks at this point in the record.

There was no objection.

Mr. GILMAN. Mr. Chairman, the Rule I have referenced prohibits changes to law on general appropriations bills. This language amends the Foreign Assistance Act to authorize the establishment of a working capital fund for the Agency for International Development.

The Administration, which evidently wants this provision, should have approached the Committee with legislative jurisdiction, the Committee on International Relations. Instead, the Administration engaged another Committee that lacks jurisdiction to amend the Foreign Assistance Act.

This is an unfortunate attitude and practice that we have seen from time to time in this and other Administrations and I regret that we have to consume the time of the Appropriations Committee on this sort of matter in this way.

The Administration has not submitted a draft bill to our Committee, nor have they engaged our International Relations Committee in any meaningful way.

I do understand that the Committee on Foreign Relations in the other body has reviewed similar legislation on a working capital fund for the Agency for International Development and our Committee on International Relations would be happy to work with the other body and the Administration from here on out and see if this provision is meritorious.

Accordingly, Mr. Chairman, I must respectfully insist on my point of order.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 586. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", not more than \$25,000,000 for fiscal year 2001 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the "UNFPA").

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2001 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obla-

tion for the remainder of the fiscal year in which the report is submitted.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 587. (a) AUTHORIZATION.—Not to exceed \$385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

(1) PERFORMANCE OF ABORTIONS.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in activities or efforts to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions and certifications of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee.

(c) WAIVER AUTHORITY.—

(1) AUTHORITY.—The President may waive the restrictions contained in subsection (b) that require certifications from foreign private, nongovernmental, or multilateral organizations.

(2) REDUCTION OF ASSISTANCE.—In the event the President exercises the authority contained in paragraph (1) to waive either or both subsections (b)(1) and (b)(2), then—

(A) assistance authorized by subsection (a) and allocated for population planning activities or other population assistance shall be reduced by a total of \$12,500,000, and that amount shall be transferred from funds appropriated by this Act under the heading "Development Assistance" and consolidated and merged with funds appropriated by this Act under the heading "Child Survival and Disease Programs Fund"; and

(B) notwithstanding any other provision of law, such transferred funds that would have been made available for population planning activities or other population assistance shall be made available for infant and child health programs that have a direct, measurable, and high impact on reducing the incidence of illness and death among children.

(3) LIMITATION.—The authority provided in paragraph (1) may be exercised to allow the